

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TONI FOWLER

§

VS.

§

CIVIL ACTION NO. 2:08cv407

COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION

§

ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Charles Everingham. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition. No objections were filed.

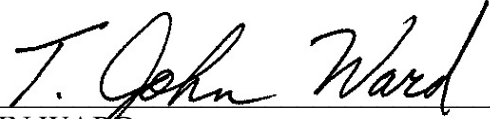
This Court finds that the Magistrate Judge's findings and conclusions are correct and adopts them as the Court's findings and conclusions. The Court therefore

ORDERS, ADJUDGES, and DECREES that this action is **REVERSED** and **REMANDED** for the Administration to make a proper determination of whether Plaintiff's deficits in adaptive behavior initially manifested during the developmental period (before age 22). If so, then

Plaintiff established a § 12.05(C) listed impairment and is therefore disabled and entitled to benefits.

If not, then Plaintiff is not disabled..

SIGNED this 30th day of March, 2010.

A handwritten signature in black ink, reading "T. John Ward", written over a horizontal line.

T. JOHN WARD

UNITED STATES DISTRICT JUDGE